

Notice of Allowability

Application No.

10/747,609

Applicant(s)

JIN ET AL.

Examiner

Robert Scruggs

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/23/07.
2. ☒ The allowed claim(s) is/are 1,2,4-10,12,13,15 and 17-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 7/23/07 - 2/12/07
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on July 23, 2007 is noted. The submission is in compliance with the provisions of 37 CFR 1.97 and 1.98. Accordingly, the information disclosure statement is being considered by the examiner.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jeff Powers on September 24, 2007.

The application has been amended as follows:

In the claims:

Claim 1 (currently amended) An intraocular lens assembly, comprising:

I. an intraocular lens device having first and second optics interconnected by a plurality of haptics, one of the first and second optics having a diameter D_2 ; and

II. a fixture comprising

a) a support surface;

b) a plurality of lens holding elements coupled to said support surface each having a feature, said features forming an innermost

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diameter D_1 that is less than D_2 , said holding elements being spaced about said one of said first and second optics such that said haptics freely pass between said features, whereby said intraocular lens device is removably attached to said fixture by securing only said one of said optics with said features.

Claim 5 (currently amended) The assembly of claim 4 wherein two diametrically opposed tips define diameter D_1 whereby said optic may be pressed past said tips and thereby secured by said fixture.

Claim 9 (currently amended) The assembly of claim 8 wherein the distance between two diametrically opposed pinions define diameter D_1 whereby said one of said first and second optics may be pressed past said top caps and thereby be secured to said fixture.

3. Claims 1, 5 and 9 have been amended because in the applicant's amendment, the applicant disclosed an optic having a diameter of D_1 when actually the diameter of the optic should have been labeled as D_2 and the applicant also disclosed that the features of the holding elements had a diameter of D_2 when actually the diameter of the features of the holding elements should have been D_1 therefore the examiner has switched all the D_1 's to D_2 's and all the D_2 's to D_1 's in order to properly identify the disclosed elements.

Rejoining claims:

Please rejoin claims 8-10, 12 and 13.

4. Claims 1, 2, 4-7, 15 and 17-20 are directed to an allowable product. Pursuant to the procedures set forth in MPEP § 821.04(B), **claims 8-10, 12 and 13** are directed to a species previously withdrawn from consideration as a result of a restriction requirement and are **hereby rejoined** and fully examined for patentability under 37 CFR 1.104.

Because all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, **the restriction requirement as set forth in the Office action mailed on June 21, 2006 is hereby withdrawn**. In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

The following is an examiner's statement of reasons for allowance: It is the examiner's opinion that the art of record considered as a whole, alone or in combination, neither anticipates nor renders obvious, a plurality of lens holding elements having features formed with a diameter of D_1 that is less than a optic formed with a diameter of D_2 , together in combination with the rest of the limitations in the independent claim.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Scruggs whose telephone number is 571-272-8682. The examiner can normally be reached on Monday-Friday, 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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